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Liaison Counsel for Direct Action Plaintiffs and Counsel for Plaintiffs ABC Appliance, Inc., CompuCom Systems, Inc., Electrograph Systems, Inc., and Electrograph Technologies Corp., Interbond Corporation of America, MARTA Cooperative of America, Inc., Office Depot, Inc., P.C. Richard & Son Long Island Corporation, Schultze Agency Services LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC, Tech Data Corporation and Tech Data Product Management, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: Cathode Ray Tube (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC

This Document Relates To:

MDL No. 1917

Tech Data Corp., et al. v. Hitachi, Ltd., et al., No.13-cv-00157;

Siegel v. Technicolor SA, et al., No.13-cv-05261;

Sears, Roebuck and Co., et al. v. Technicolor SA, No. 13-cv-05262;

Best Buy Co., Inc., et al. v. Technicolor SA, et al., No. 13-cv-05264;

Schultze Agency Services, LLC v. Technicolor SA, Ltd., et al., No. 13-cv-05668;

Costco Wholesale Corporation v. Technicolor SA, et al., No. 13-cv-05723;

Electrograph Systems, Inc., et al. v. Technicolor SA, et al., No. 13-cv-05724;

**DECLARATION OF PHILIP J. IOVIENO
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO MITSUBISHI'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO DIRECT ACTION
PURCHASERS' SHERMAN ACT
DAMAGES CLAIMS BASED ON CRT
PRODUCT PURCHASES FROM NEC
CORPORATION AND NEC-
MITSUBISHI ELECTRIC VISUAL
SYSTEMS CORPORATION**

Judge: Hon. Samuel P. Conti
Court: Courtroom 1, 17th Floor
Date: February 6, 2015
Time: 10:00 a.m.

1 *P.C. Richard & Son Long Island*
2 *Corporation, et al. v. Technicolor SA, et al.,*
3 No. 13-cv-05725;

4 *Office Depot, Inc. v. Technicolor SA, et al.,*
5 No. 13-cv-05726;

6 *Interbond Corp. of Am. v. Technicolor SA,*
7 *et al., No. 13-cv-05727*

8 I, **PHILIP J. IOVIENO**, declare as follows:

9 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel
10 for the Direct Action Plaintiffs (“DAPs”) in this matter, and I am licensed to practice law in the
11 State of New York and admitted to practice *pro hac vice* before this Court.

12 2. Attached hereto as Exhibit 1 is a true and correct copy of the Joint Venture
13 Agreement between Mitsubishi and NEC, dated December 27, 1999. Produced as ME
14 00131095-00131120.

15 3. Attached hereto as Exhibit 2 is a true and correct copy of a June 2002 report from
16 NMV personnel to Mitsubishi executives in which NMV requests that Mitsubishi negotiate with
17 HP on its behalf. Produced as ME 00065248.

18 4. Attached hereto as Exhibit 3 is a true and correct copy of a June 2002 memo
19 noting that Mitsubishi and NEC senior executives negotiated on NMV’s behalf. Produced as
20 ME 00065247.

21 5. Attached hereto as Exhibit 4 is a true and correct copy of a September 2002
22 communication from Mitsubishi to NMV in which Mitsubishi agrees to provide capital support
23 to NMV. Produced as ME 00065208.

24 6. Attached hereto as Exhibit 5 is a true and correct copy of a March 2003 letter
25 from Mitsubishi and NEC to NMV in which Mitsubishi and NEC approve NMV’s request for
26 debt guarantees. Produced as ME 00094555.

27 7. Attached hereto as Exhibit 6 is a true and correct copy of a March 2003 letter
28 from NMV to Mitsubishi and NEC in which NMV requests debt guarantees from Mitsubishi and
NEC. Produced as ME 00094556.

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2 8. Attached hereto as Exhibit 7 is a true and correct copy of a May 2001 letter from
3 Mitsubishi to Gateway in which Mitsubishi guarantees an obligation of NMV's American
4 subsidiary. Produced as ME 00095296.

5 9. Attached hereto as Exhibit 8 is a true and correct copy of the deposition transcript
6 of Mitsubishi's 30(b)(6) corporate representative in this matter, Hitoshi Tsukamoto, dated
7 September 22, 2014.

8 10. Attached hereto as Exhibit 9 is a true and correct copy of the Mitsubishi
9 Defendants' Responses to DAPs' Second Set of Interrogatories, dated July 24, 2014.

10 11. Attached hereto as Exhibit 10 is a true and correct copy of the jury verdict form
11 from *Costco Wholesale Corp. v. AU Optronics Corp.*, No. C13-1207 [Dkt. 628], dated October
12 23, 2014.

13 12. Attached hereto as Exhibit 11 is a true and correct copy of Judge Susan Illston's
14 order on post-trial motions in *Best Buy v. AU Optronics Corp.*, No. 07-md-1827 [Dkt. 8786],
15 dated November 20, 2013.

16 I declare under penalty of perjury that the foregoing is true and correct.
17 Executed on this 23rd day of December, 2014 at Albany, New York.

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19 /s/ Philip J. Iovieno

20 Philip J. Iovieno
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